



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

09/637,120

08/11/2000

Eric Edwards

080398.P366

7324

7590

02/10/2005

Robert G. Litts  
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP  
7th Floor  
12400 Wilshire Boulevard  
Los Angeles, CA 90025

EXAMINER

KE, PENG

ART UNIT

PAPER NUMBER

2174

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/637,120

Applicant(s)

EDWARDS ET AL.

Examiner

Peng Ke

Art Unit

2174

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 September 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-41 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-41 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 9/17/04.

Claims 1-41 are pending in this application. Claims 1, 14, 23 and 38 are independent claims. In the Amendment, filed on 9/17/04, claims 1, 14, 23 and 38 were amended.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-13, 15-18, 20-27, 29-35, and 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreman et al. (US 6,469, 711) in view of Gonsalves et al. (US 6,571,255).

As per independent claim 1, Foreman et al. teaches a computerized method for displaying images comprising:

accessing a plurality of presentation images having inconsistent presentation attributes;  
(col 2, lines 14-30, col 8, lines 16-34);

arranging the presentation images according to at least one characteristic (col 2, lines 50-64); and

organizing the presentation images in a visual presentation, wherein organizing includes modifying the inconsistent presentation attributes of the plurality (col. 11, lines 60-67,

col. 12, lines 1-1-15) of presentation images to have consistent presentation attributes (col 2, lines 5-10, col 8, lines 35-46).

However, Foreman fails to teach automatically modifying the inconsistent presentation attributes.

Gonsalves teaches automatically modifying the inconsistent presentation attributes. (col. 21, lines 21-40)

It would have been obvious to an artisan at the time of the invention to include Gonsalves' teaching with method of Forman in order to allow user to apply several color modifications to each of the selected segments.

As per claim 2, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches the method comprising: selecting the characteristic from the group consisting of distance, perspective, magnification, and angle (col 7, lines 24-26). The examiner is inferring to the fact the sequence of shots that are selected is captured in the perspective of the recorder.

As per claim 3, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches the method wherein modifying the inconsistent presentation attributes of the plurality of presentation images includes modifying the inconsistent presentation attributes from the group consisting of a size, a color, and an exposure ((col. 11, lines 60-67, col. 12, lines 1-1-15).

As per claim 4, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches the method comprising: accessing an

Art Unit: 2174

address for a location (col 6, lines 18-53). It is inherent for the system to access the memory address where the video clips are stored.

As per claim 5, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches the method comprising: accessing location coordinates for a location (col 6, lines 18-53).

As per claim 7, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches the method comprising:

accessing additional information, wherein the additional information is selected by a computer user and affect the appearance of the visual presentation (col 11, lines 63-67, col 12, lines 1-6).

As per claim 8, which is dependent on claim 1. Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches the method wherein accessing the plurality of presentation images comprises:

uploading a plurality of presentation images from a client (col 6, lines 17- 54, col 8, lines 1-15, lines 35-47). It is inherent for a client to bring in a removable disk.

As per claim 9, which is dependent on claim 1, Foreman et al. and Gonsalves teaches the computerized method of claim 1. Foreman further teaches wherein accessing a plurality of presentation images comprises:

loading the plurality of presentation images from a database (col 6, lines 17-54).

As per claim 10, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches wherein accessing a plurality of 2 presentation images comprises: uploading at least one presentation image from a client (col 6,

Art Unit: 2174

lines 17-54); and loading at least one presentation image from a database (col 12, lines 27-38). It is inherent that the effects are a part of the original database.

As per claim 11, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches wherein accessing a plurality of presentation images comprises: loading at least one presentation image from a computer-readable medium (col 6, lines 17-54).

As per claim 12, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches comprising:

sending the visual presentation to a client (col 7, lines 30-35). It is inherent for the client to receive his/her product back in a form of a CD-ROM or through a computer network.

As per claim 13, which is dependent on claim 1, Foreman et al. and Gonsalves teach the computerized method of claim 1. Foreman further teaches comprising:

saving the visual presentation on a computer-readable medium (col 7, lines 30-35).

As per independent claim 14, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 15, which is dependent on claim 14, it is of the same scope as claim 2. (see rejection above).

As per claim 16, which is dependent on claim 14, it is of the same scope as claim 3. (see rejection above).

As per claim 17, which is dependent on claim 14, it is of the same scope as claim 4. (see rejection above).

As per claim 18, which is dependent on claim 14, it is of the same scope as claim 5. (see rejection above).

As per claim 20, which is dependent on claim 14, it is of the same scope as claim 7. (see rejection above).

As per claim 21, which is dependent on claim 14, it is of the same scope as claim 12. (see rejection above).

As per claim 22, which is dependent on claim 14, it is of the same scope as claim 13. (see rejection above).

As per independent claim 23, it is rejected with same rationale as claim 1. (see rejection above)

As per claim 24, which is dependent on claim 23, it is of the same scope as claim 2. (see rejection above)

As per claim 25, which is dependent on claim 23, it is of the same scope as claim 3. (see rejection above)

As per claim 26, which is dependent on claim 23, it is of the same scope as claim 4. (see rejection above)

As per claim 27, which is dependent on claim 23, it is of the same scope as claim 5. (see rejection above).

As per claim 29, which is dependent on claim 23, it is of the same scope as claim 7. (see rejection above).

As per claim 30, which is dependent on claim 23, it is of the same scope as claim 8. (see rejection above).

Art Unit: 2174

As per claim 31, which is dependent on claim 23, it is of the same scope as claim 9. (see rejection above).

As per claim 32, which is dependent on claim 23, it is of the same scope as claim 10. (see rejection above).

As per claim 33, which is dependent on claim 23, it is of the same scope as claim 11. (see rejection above).

As per claim 34, which is dependent on claim 23, it is of the same scope as claim 12. (see rejection above).

As per claim 35, which is dependent on claim 23, it is of the same scope as claim 13. (see rejection above).

As per claim 38. it is rejected with same rationale as claim 1. (see rejection above)

As per claim 39, which is dependent on claim 38, it is of the same scope as claim 2. (see rejection above).

As per claim 40, which is dependent on claim 38, it is of the same scope as claim 3. (see rejection above).



***Claim Rejections – 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 19, 28 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foreman et al. (US 6,469, 711) in view of Gonsalves et al. (US 6,571,255) further in view of Danial (US 5,940,806)

As per claim 6, Foreman et al and Gonsalves et al teach the computerized method of claim 1. However they don't teach the method further comprising: receiving compensation from a client. Danial teaches a method comprising: receiving compensation from a client (col 11, lines 10-30). It would have been obvious to an artisan at the time of the invention to include Danial's teaching with method of Foreman and Gonsalves in order to provide sufficient cost for shopping and other cost relating to the service.

As per claim 19, which is dependent on claim 14, it is of the same scope as claim 6. (see rejection above)

As per claim 28, which is dependent on claim 23, it is of the same scope as claim 6. (see rejection above)

As per claim 41, which is dependent on claim 38, it is of the same scope as claim 6. (see rejection above)

***Response to Argument***

Applicant's arguments with respect to claims 1-41 have been considered but are deemed to be moot in view of the new grounds of rejection.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Peng Ke

*Kristine Kincaid*  
KRISTINE KINCAID  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100